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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,434	09/01/2006	Toshifumi Inno	0649-1356PUS1	1720
2292 7590 12/08/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER ZIMMERMAN, JOSHUA D				
ART UNIT 2854		PAPER NUMBER		
NOTIFICATION DATE 12/08/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/591,434

**Applicant(s)**

INNO ET AL.

**Examiner**

JOSHUA D. ZIMMERMAN

**Art Unit**

2854

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7, 8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 8, 10, 11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. in view of Shibuya et al. (US 2003/0077541) and Okazaki et al. (US 2004/0247011).

Regarding claim 7, Shimizu et al. teach "a platemaking method of a lithographic printing plate (title), comprising developing an exposed lithographic printing plate precursor with a developer (column 13, lines 62-66), wherein the exposed lithographic printing plate precursor is obtained by an image recording method comprising imagewise exposing a lithographic printing plate precursor with an imaging time per pixel of 1 millisecond or less (column 14, lines 53-57) using a laser light with an emission wavelength of from 250 nm to 420 nm (column 14, line 11), wherein the lithographic printing plate precursor comprises a support and an image recording layer, in which the image recording layer contains (A) a polymerization initiator and (B) a polymeric compound (column 5, lines 45-62) and is photosensitive in a wavelength of from 250 nm to 420 nm (column 5, lines 32-37);

wherein the developer is a non-alkaline developer having a pH value of 10 or less (column 13, lines 52-66. Examiner notes that when water is used, this limitation is

met)."

Furthermore, Shimizu et al. teach modulation of the solid-state semiconductor laser (column 4, lines 20-24). Shimizu et al fail to teach that the emission wavelength is "selected from 405 nm or 375 nm."

Shibuya et al. teach a photosensitive composition which is an improvement over the prior art composition used by Shimizu et al. which results in a printing plate which has excellent workability, profitability and storage stability and that is highly sensitive to inexpensive short wavelength semiconductor lasers having wavelengths between 350 and 450nm (paragraphs 9, 11, 12 and 205). Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use the photosensitive composition of Shibuya et al. in the modified method of Shimizu et al. in order to achieve a printing plate which is sensitive to inexpensive short wavelength semiconductor lasers and which has excellent workability, profitability and storage stability.

Regarding claim 8, Shimizu et al. further teach "wherein the support has an anodized film with sealed micropores on the surface (column 7, lines 50-53; paragraph bridging columns 7 and 8)."

Regarding claim 10, Shimizu et al. further teach "wherein the image recording layer further contains (C) a binder polymer (column 5, lines 53-62)."

Regarding claim 11, Shimizu et al. further teach "wherein the binder polymer (C) does not have an acid group (paragraph bridging columns 6 and 7)."

Regarding claims 13-16, Shimizu et al. further teach that the development can be carried out with water or fountain solution (column 13, lines 37-40 and 62-67). The examiner takes Official Notice that it was known, at the time of the invention, to include in fountain solutions additives to improve the fountain solution, including: "organic solvents" (such as isopropyl alcohol), various surfactants (such as nonionic and ionic) to increase the wettability of the fountain solution, and "water-soluble polymeric compounds" such as gum arabic to act as de-sensitizers.

Furthermore, Applicants admit that "there is no particular limitation" on the developer to be used (paragraph bridging pages 9 and 10 of Applicants' specification).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to include any of the components claimed in claims 13-16 in the water or fountain solution (that is, the developer) of Shimizu et al. in order to improve the fountain solution. It is further deemed that any limitations on the developer solution would not define over any prior art of record, as Applicants have admitted that the developer is not crucial to their invention.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. and Shibuya et al. (US 2003/0077541), as applied to claim 7 above, further in view of Okazaki et al. (US 2004/0247011).

Regarding claim 12, Shimizu et al. and Okazaki et al. teach all that is claimed, as applied to claim 7 above, except "wherein the exposure is carried out using an optical

system comprising: a DMD or GLV modulation element; and a semiconductor laser with a wavelength of 405 nm or 375 nm.”

Okazaki et al. disclose an exposure system for semiconductor lasers emitting at 405 nm (paragraph 89) used to expose printing plates (paragraph 111) which uses DMD or GLV modulation devices (paragraph 50). The system of Okazaki et al. is produced at low cost and is of a simple construction. Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to use the exposure system of Okazaki et al. in the method of Shimizu et al. in order to simply expose the printing plate and with low cost.

#### ***Response to Arguments***

4. Applicants’ arguments with respect to claims 7, 8 and 10-16 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D Zimmerman  
Examiner  
Art Unit 2854

/jdz/

*/Leslie J. Evanisko/*  
Primary Examiner, Art Unit 2854